

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL PATRICK JOLIVETTE,

Plaintiff,

v.

PEOPLE OF CALIFORNIA, et al.,

Defendants.

No. 2:21-cv-0382-KJM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 23, 2021, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. On October 25, 2021, after receiving an extension of time, plaintiff filed two documents (ECF Nos. 26, 27), which the court liberally construes as objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

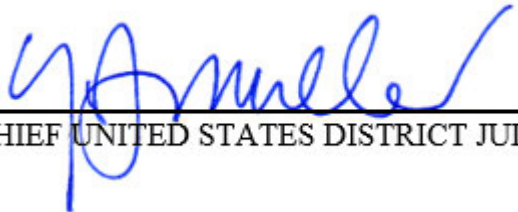
1. The findings and recommendations filed September 23, 2021, are adopted in full;

1 2. Plaintiff's request for a partial refund of the filing fee and for the re-designation of this
2 action as "miscellaneous" (ECF Nos. 14 & 16) are DENIED;

3 3. This action is DISMISSED for lack of subject matter jurisdiction and as frivolous; and

4 4. The clerk of court is directed to close this case.

5 DATED: January 24, 2022.

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9 CHIEF UNITED STATES DISTRICT JUDGE
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